

REMARKS

In the Office Action dated November 29, 2004, to which this amendment responds, the Examiner identified claims 1-33 as pending, rejected claims 1-3, 6-10 and 12-15, and identified claims 4, 5, 11 and 16-33 as withdrawn. The withdrawal of claims resulted from a restriction requirement in which the Examiner identified species by figures rather than claims and applicant's election by telephone on October 13, 2004 of species I, Figures 1, 2 and 3. On October 14, 2004 Applicant filed a written election confirming the election of species I. That written election identified claims 1-3, 6-10, 12-16, 22 and 28-30 as reading on the door hook shown in Figures 1, 2 and 3. Therefore, these claims were not withdrawn and should have been examined.

Despite the filing of the written election and the listing of elected claims the Examiner requested a confirmation of the election in the Office Action and without explanation identified elected claims 16, 22 and 28-30 as withdrawn. Applicant hereby confirms the election of species I. Upon further review applicant no longer contends that claims 16 and 22 read on Figures 1, 2 and 3 and agrees that those claims are withdrawn. However, claims 28-30, directed to a U-shaped door hook having a front side with a first hook member and a back side containing a second hook member that is removable, should have been examined. The specification at page 9, line 19 through page 10 line 2 specifically describes this structure with reference to Figure 1. Reconsideration of the designation of claims 28-30 as withdrawn, as well as examination of and allowance of these claims, is respectfully requested. None of the cited references teach or suggest a door hook in which a second hook member can be removed and reattached to change the spacing between the front side and back side of a U-shaped door hook as required by claims 28-30.

The Examiner relies principally upon United States Patent No. 5,782,090 to Locke and United States Patent No. 2,565,719 to Church in rejecting claims 1-3, 6-10, 12, 14 and 15. No grounds of rejection was stated for claim 13. Locke discloses a hose clamp having a body which extends from a first end about a partially circular path of about 120° to a hinge. A straight portion extends from the hinge and has a first hook at, and a second hook near, the distal end of the straight portion. The hinge enables the straight portion to be moved toward and away from the first end. Either hook may engage the first end. Because of the circular shape of the body, the straight portion cannot be pivoted to a position generally parallel to what the Examiner has identified as the back side of this structure in the office action. Indeed, the purpose of the hinge is to enable the straight portion to move from an open position shown in Figure 2 of the Locke patent to the closed positions shown in Figures 3 and 4 such that the hose clamp fully encircles a hose.

Church discloses a support for handbags and other articles having two C-shaped bodies pivotably attached together at one end of each body. Consequently, the bodies can be positioned in an overlapping arrangement so that the support has a C-shape. Or, one body may be moved about the pivot connection relative to the other body so that the support will have an S-shaped appearance.

Claim 1 was rejected based upon Locke or Church. That claim has been amended to require that the second hook member be pivotable from a first position, in which the back side and the second hook are in a common plane, to a second position, in which the second hook is substantially parallel to the back side and substantially parallel to the common plane of the first position. The first position is shown in solid line in Figure 1 and the second position is shown in dotted line in the same figure. This feature is not taught or suggested by either Locke or Church.

The circular shape of the hose clamp of Locke prevents the straight portion from moving to a position substantially parallel to what the Examiner has identified as the back side and substantially parallel to the common plane of the first position. The two C-shaped bodies in Church's handbag support always remain in the same plane. Therefore, claim 1 as amended is patentable over these references.

Claim 2 has been cancelled in light of the amendment to claim 1. Claims 3 through 9 depend from claim 1 and are patentable because claim 1 is patentable. Moreover, withdrawn claims 4 and 5 should be rejoined and allowed because they depend from allowable claim 1.

Independent Claim 10 was also rejected based upon Locke or Church. This claim was amended to specify that the front side and the back side have inside surfaces that face one another. The amended claim 10 also requires that the spacing member be pivotable to a position in which the spacing member abuts the inside surface of the back side and faces the inside surface of the front side. The circular body of Locke's hose clamp and the coplanar relation of the C-shaped bodies in Church's handbag support prevent a spacing member from being pivoted to such a position. Hence there is no teaching or suggestion in either reference or the prior art as a whole to make a door hook having the structure of amended claim 10. Consequently, the door hook of claim 10 is patentable over the cited references.

Claims 11 through 17 depend from claim 10 and are patentable because amended claim 10 is patentable. Moreover, withdrawn claims 11, 16 and 17 should be rejoined and allowed.

The other prior art references do not teach or suggest a door hook having the features of amended claims 1 and 10 discussed above. Therefore, these claims are patentable over the cited references.

For the foregoing reasons claims 1, 3 through 17, 28, 29 and 30 are patentable and should be allowed. Reconsideration and allowance of these claims are respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lynn J. Alstadt", written in a cursive style.

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